
தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

42
1961



MADRAS LEGISLATIVE COUNCIL DEBATES

NINETEENTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

24th and 27th to 29th March and 1st and 3rd April **1961**.

Volume XLII (Nos. 1 to 6.

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GOVERNOR OF MADRAS.

SHRI BISNURAM MEDHI.

MEMBERS OF THE COUNCIL OF MINISTERS.

1 THE HON. SRI K. KAMARAJ, *Chief Minister in charge of* ***Public,*** *Planning and Community Development (including Local Development Works, Women's Welfare, Community Projects and Rural Welfare).*

2 THE HON. SRI M. BHAKTAVATSALAM, *Minister in charge of Home including Courts and Prisons and Prohibition, Food and Agriculture (including Khadi and Village Industries and Hindu Religious Endowments), Railways, Posts and Telegraphs and Civil Aviation.*

3 THE HON. SRI C. SUBRAMANIAM, *Minister in charge of Finance, Education, Information and Law (including Legislature and Engineering Colleges).*

4 THE HON. SRI M. A. MANICKAVELU, *Minister in charge of Revenue and Public Health.*

5 THE HON. SRI R. VENKATARAMAN, *Minister in charge of Industries, Labour and Co-operation (including Housing, Commercial Taxes and Nationalized Transport) (Leader of the House).*

6 THE HON. SRI P. KAKKAN, *Minister in charge of Public Works (excluding Electricity) and Harijan Welfare.*

7 THE HON. SRI V. RAMAIAH, *Minister in charge of Electricity, Transport (including Registration, Accommodation Control, Stationery and Printing and Government Press).*

8 THE HON. SRIMATHI LOURDHAMMAL SIMON, *Minister in charge of Local Administration and Fisheries.*

THE MADRAS LEGISLATIVE COUNCIL

PRINCIPAL OFFICERS.

Chairman

THE HON. DR. P. V. CHERIAN.

Deputy Chairman.

SRI V. K. PALANISWAMY GOUNDER.

Panel of Vice-Chairmen.

1 SRI B. K. NALLASWAMI.

2 SRI S. NATARAJAN.

3 SRI A. SUBRAMANYAM.

4 SRIMATHI JOTHI VENCATACHELLUM.

Secretary to the Council.

SRI C. D. NATARAJAN, M.A., B.L.

வாய்மையே வெல்லும்
TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL WITH THEIR CONSTITUENCIES.

Serial number and name of member.	Name and class of constituency.
1 Abdul Hameed Khan ..	State Legislative Assembly.
2 Adityan, S. T., B.A., B.L. ..	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli-*cum*-Kanyakumari Local Authorities.
3 Annamalai Pillai, N.	State Legislative Assembly.
4 Arunachalam, A. J.	Do.
5 Arunachalam, T. S.	Do.
6 Balasubramanya Ayyar, K., B.A., B.L.	Madras Graduates.
7 Balasundaram, V. S., B.A., L.T. ..	State Legislative Assembly.
8 Cherian, Dr. P. V., M.B.B.S., D.L.O., F.R.F.P.S. (Glas.), F.R.C.S. (Edin.), (*Chairman*).	Madras Graduates.
9 Chidambara Mudaliar, A. ..	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli Local Authorities.
10 Chidambaram Pillai, I. A., M.A. ..	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli-*cum*-Kanyakumari Local Authorities.
11 Chidambaranathan, Dr. A. M.A., Ph. D. ..	Madras Teachers.
12 Clubwala Jadhav, Mary C. ..	NOMINATED.
13 Damodaran, G. R., B.SC. (Elec.), B.SC. (Mech.), (Durham) M.I.E.E. (Lond.). M.I.E.	Madras Teachers.
14 Desikar, K. M.	South Arcot-*cum*-Thanjavur-*cum*-Tiruchirappalli Local Authorities.
15 Devaraja Mudaliar, T. V. ..	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
16 Durairaj, T.	South Arcot-*cum*-Thanjavur-*cum*-Tiruchirappalli Local Authorities.
17 Ethirajalu, M.	State Legislative Assembly.
18 Gajapathy Nayagar, A., B.A., B.L.	Do.
19 Joghee Gowder, T.	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
20 Jothi Vencatachellum	NOMINATED.

Serial number and name of member.	Name and class of constituency.
21 Kamalakkannan, K.	Madras-*cum*-Chingleput-*cum*-North Arcot Local Authorities.
22 Karayalar, L. S., B.A., B.L. ..	State Legislative Assembly.
23 Kosalram, K. T.	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli-*cum*-Kanyakumari Local Authorities.
24 Krishnamoorthy, G.	Madras Teachers.
25 Krishnaswamy Vandayar, A.	State Legislative Assembly.
26 Lakshmanaswami Mudaliar, Dr. A., B.A., M.D., LL.D., D.SC., D.C.L. F.R.C.O.G., F.A.C.S.	Madras Graduates.
27 Madurai Pillai, P.	Salem - *cum* - Coimbatore-*cum*-Nilgiris Local Authorities.
28 Manjubhashini, S.	NOMINATED.
29 Mohamed Raza Khan	State Legislative Assembly.
30 Muthukannappan, Vidwan T., B.A.	Do.
31 Nallaswami, B. K.	Do.
32 Nallasenapathi Sarkarai Manradiar, N.	Do.
33 Natarajan, S., B.A., L.T. ..	Madras Teachers.
34 Palaniswamy Gounder, V. K. .. (*Deputy Chairman*).	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
35 Patanjali Sastri, M., B.A., B L.	NOMINATED.
36 Ponnuswamy Chettiar, S. R. P.	Salem-*cum*-Coimbatore-*cum*-Nilgiris Local Authorities.
37 Rajan, P. T., B.A. (Hons.), Bar. at-Law. ..	State Legislative Assembly.
38 Ramakrishna Achari, K. ..	Do.
39 Ramalingam Pillai, V.	NOMINATED.
40 Ramaswami, K. R.	State Legislative Assembly.
41 Ramasamy Gounder, K. M. B.A., L.T. ..	Madras Teachers.
42 Ramaswamy, K. V.	State Legislative Assembly.
43 Rajagopal Pillai, M.	Do.
44 Ramaswami Reddiar, O. P. ..	NOMINATED.
45 Rengaswamy, V., B.A.,	Do.
46 Sambandhan, S. K., B.A. ..	Madras Graduates.
47 Sankaranarayana Pillai, T. S., B.A., B.L.	Madurai-*cum*-Ramanathapuram-*cum*-Tirunelveli. Local Authorities.

Serial number and name of member.	Name and class of constituency.
48 Saraswathy Pandurangam ..	NOMINATED.
49 Seshachariar, M., B.A., B.L. ..	Madras - *cum* – Chingleput-*cum* – North Arcot Local Authorities.
50 Sivanandam, Dr. T. V., M.B., B.S.	Madras Graduates.
51 Sivasubramanya Nadar, S. P. B.A., B.L	Madurai -*cum* – Ramanathapuram – *cum* - Tirunelveli Local Authorities.
52 Somasundara Reddiar, A. ..	South Arcot-*cum*-Tanjavur *cum*–Tiruchirappalli Local Authorities.
53 Sreenivasan, Dr. A., M.R.C.P., (Lond.)	Madras Graduates.
54 Srinivasavaradan, T.P., B.A.,L.T.	Madras Teachers.
55 Subbiah Chettiar, M.	South Arcot -*cum* –Thanjavur -*cum*– Tiruchirappalli Local Authorities.
56 Subramanyam, A.	State Legistive Assembly.
57 Sudarsanam Naidu, M. V. ..	South Arcot-*cum*–Thanjavur - *cum*–Tiruchirappall Local Authorities.
58 Sundarambal, K. B.	NOMINATED.
59 Surendra Ram, V.M.	State Legislative Assembly.
60 Thangavel Mudaliar, A. K. ..	Madras - *cum* – Chingleput-*cum*–North Arcot Local Authorities.
61 Thiagaraja Reddiar, P. B.K. ..	Salem - *cum* – Coimbatore-*cum*–Nilgiris Local Authorities.
62 Venkataraman, R. (*Minister—Leader of the House*).	State Legislative Assembly.
63 Vijayarangam, G	Madras – *cum* – Chingleput-*cum*–North Arcot Local Authorities.


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THE MADRAS LEGISLATIVE COUNCIL

THE NINETEENTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INRIA.

Friday, the 24th March 1961.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chirman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Domestic bulk supply of electricity

a * 156 Q.—DR. A. SREENIVASAN: Will the Hon. the Minister for Electricity be pleased to state—

(*a*) the tariff for domestic bulk supply of electricity and the conditions on which such bulk supply is made; and

(*b*) the basis for the classification of *bona fide* domestic consumers?

THE HON. SRI V. RAMAIAH: (*a*) The tariff for domestic bulk supply is as follows:—

Domestic bulk supply—lighting, fans, refrigerators, cookers and similar domestic appliances on a combined circuit—where the connected and utilised load in electrical equipment (other than lights, radio and fans) is not less than 1,000 watts:

(i) Fixed monthly charge per service Rs. 10 for the first 2 kilo watts of connected load in lights and fans and Rs. 5 for each additional kilo watts or part thereof.

plus

(ii) Energy charge at 10 nP. per unit.

In no case will the overall unit rate be higher than 29 nP. per unit in any one month without prejudice to the fixed monthly charge.

Conditions on which such bulk supply is made.

Domestic bulk supply tariff is applicable only to *bona fide* residences ,either complete houses or flats, each occupied by an individual family and each wired for separate metering arrangement and metered separately. It is also necessary that there should be at least 1000 watts of appliances permanently fixed up.

(*b*) Fulfilment of the conditions mentioned in the answer to clause (a) above, is the basis for the classification of *bona fide* domestic consumers.

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a Postponed question from the list of questions for the 10th March 1961.

DR. A. SREENIVASAN : Sir, is it a fact that even though the consumers conform to all the conditions imposed by the Electricity Board, a lot of people have been denied the benefit of this special tariff?

THE HON. SRI V. RAMAIAH : At present I do not have the information with me. If the hon. Member puts a sepraate question, I will look into it.

DR. A. SREENIVASAN : Sir, is it a fact that there has been a lot of discrimination between one applicant and another eventhough they have got electrical appliances to the tune of 1,000 watts?

THE HON. SRI V. RAMAIAH : I have no information, Sir.

SRI MOHAMED RAZA KHAN : Sir, may I know, when the Electricity Department authorities refuse to allow this concession, whether there is any right of appeal to the party affected, and, if so, to whom?

THE HON. SRI V. RAMAIAH : I do not have the information now. If the hon. Member puts a separate question, I can answer.

Appointment of High Court Judges.

*187 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Chief Minister be pleased to state—

(*a*) whether the Government have received any communication from the Ministry of Home Affairs, Government of India, about the formation of an All India Panel of Judicial Officers and Advocates for appointments as High Court Judges; and

(*b*) if so, the action taken or proposed to be taken thereon?

THE HON. SRI R. VENKATARAMAN : (on behalf of the Hon. the Chief Minister) : (*a*) and (*b*) High Court Juddges are appointed by the President. I regret I am unabel to furnish any information relating to procedure adopted for appointment of High Court Judges.

DR. A. SREENIVASAN : Sir, are the local Government consulted in these matters at all?

THE HON. SRI R. VENKATARAMAN : That is exactly what I refused to disclose.

SRI MOHAMED RAZA KHAN : Sir, I conceed that the procedure adopted for appointment of High Court Judges cannot be disclosed. But may I know how Judges are appointed?

THE HON. SRI R. VENKATARAMAN : The hon. Member may refer to the Constitution

Steel rolling mill

* 188 *Q.*—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Industries be pleased to state—

(*a*) whether there is any proposal to set up a steel rolling mill in the State;

(*b*) if so, whether it will be in the public or private sector;

(*c*) whether, and, if so, to what extent the Central Government will give assistance; and

(*d*) the location of the mill?

THE HON. SRI R. VENKATARAMAN : (*a*) & (*b*) Two applications received from private firms have been recommended to the Government of India, Ministry of Commerce and Industry, for grant of licences for seeting up of re-rolling mills. Details about these private firms cannot be furnished.

The Government have also a proposal to set up a steel re-rolling mill in this State in the public sector during the Third Five-Year Plan.

(*c*) The expenditure in respect of the scheme for the establishment of a steel rolling mill in the public sector will be met entirely from out of State Funds.

(*d*) The location of the mill has not yet been decided.

VIDWAN T. MUTHUKANNAPPAN : தனியார் துறையில் இயங்க இருக்கும் ஆலைகளுக்கு ராஜ்ய சர்க்கார் அல்லது மத்திய சர்க்கார் பொருள் உதவி செய்வதாக இருக்கிறதா ? அப்படியானால் எவ்வளவு ?

THE HON. SRI R. VENKATARAMAN : விரும்பி சர்க்காரை அணுகினால் அதற்கு வேண்டிய ஆலோசனைகள் அவர்களுக்குக் கூறப்படும்.

VIDWAN T. MUTHUKANNAPPAN : தொழிற்சாலைகள் எல்லாம் பொதுவாக நகர்ப்புறங்களில் அமைவதால் அங்கு ஜன நெருக்கம் அதிகமாக இருக்கிறது. அவைகளை நாட்டுப்புறங்களில் அமையச் செய்வதற்கு சர்க்கார் தக்க நடவடிக்கை எடுக்குமா ?

THE HON. SRI R. VENKATARAMAN : வசதி இருக்கிற இடங்களில்தான் ஆலைகள் அமைக்க முடியும். நாட்டுப்புறங்கள் என்பதற்காக ஆலைகளை அங்கு அமைத்துவிட முடியாது.

State Transport buses

* 189 *Q.*—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Industries be pleased to state—

(*a*) whether there is any proposal to post two conductors in each of the State Transport buses, Madras; and

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(*b*) if so, the stage at which the matter now stands?

THE HON. SRI R. VENKATARAMAN : (*a*) No, Sir.

(*b*) Does not arise.

SRI MOHAMED RAZA KHAN : Sir, may I know whether the Government examined this issue and came to some decision either in the matter of finance or other thing, or they felt that the issue should not be considered?

THE HON. SRI R. VENKATARAMAN : Sir, I remember to have stated on an earlier occasion that we have decided to try the alternative method of appointing more stand conductors instead of appointing two conductors in one bus.

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware, Sir, that one of the leading papers in the City—the Hindu or the Mail—has made an important suggestion that in order to solve many of the problems it is better to have more than one conductor in the bus?

THE HON. SRI R. VENKATARAMAN : We do not agree.

SRI G. KRISHNAMOORTHY : Sir, in how many places are these standing conductors posted, and are they posted only during peak hours?

THE HON. SRI R. VENKATARAMAN : In forty places.

SRI S. K. SAMBANDHAN : Sir, is there a proposal to issue tickets at every stop and also collect the tickets from the passengers when they get down te bus?

THE HON. SRI R. VENKATARAMAN : No, Sir, it is not possible. In fact only if they accept my alternate suggestion to have longer fare stages it would be possible to avoid delay in the issue of tickets. The fare stages are so short that within two minutes one has to issue about 40 or 50 tickets, and there is delay.

SRI MOHAMED RAZA KHAN : Sir, is the Hon. Minister aware that even in a place like Broadway, where there may be a standing conductor, the bus comes, the passengers get in, and it starts off, and the standing conductor is standing all the while?

THE HON. SRI R. VENKATARAMAN : I think he is performing his duty properly if he does not sit. (Laughter).

SRI MOHAMED RAZA KHAN : Is the Hon. Minister aware that he has no time to issue tickets at the bus stop? The bus comes and starts with a load of passengers and this leads to all difficulties.

THE HON. SRI R. VENKATARAMAN : The hon. Member is not aware of the manner in which these tickets are issued. Long before the bus comes when people start coming, the stand conductor issues the tickets.

SRI G. KRISHNAMOORTHY : Sir, will the Government be pleased to print the tickets in such a way so that a layman can understand wherefrom he is going and to which place he is going?

THE HON. SRI R. VENKATARAMAN : If it is a suggestion, it will be forwarded to the Transport Advisory Committee. If it is asking for information, I say, ' No '.

SRI T. P. SRINIVASAVARADAN : Will the Government post during peak hours two conductors in the bus even though there are stand conductors in certain places and not at all places?

THE HON. SRI R. VENKATARAMAN : I think the hon. Member is a member of the Transport Advisory Committee. He may forward this suggestion to that committee.

SRI MOHAMED RAZA KHAN : May I know, Sir, what the seating capacity of the bus is, and also how many standing passengers are allowed on an average during peak hours?

THE HON. SRI R. VENKATARAMAN : There are different types of buses. Ordinarily there are forty-four seats. The number of people who may be allowed as standing passengers will be 15 to 20.

Provident Fund Scheme

* 190 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state whether the peons in Aided Schools are eligible to join the Provident Fund Scheme?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir.

SRI T. P. SRINIVASAVARADAN : May I know, Sir, when this was introduced?

THE HON. SRI C. SUBRAMANIAM : This is in existence for a very long time, and I tried to verify whether anybody had joined the Provident Fund Scheme. There are cases where the peons had joined the Provident Fund Scheme.

SRI G. KRISHNAMOORTHY : Sir, will this be extended to permanent watchmen who serve more or less like peons?

THE HON. SRI C. SUBRAMANIAM : No, Sir. The persons, expenditure on whom is taken into account for grant purposes, are allowed to contribute.

SRI T. P. SRINIVASAVARADAN : Sir, is there any proposal, even though the persons had not put in ten years' service, to give them permission to contribute?

THE HON. SRI C. SUBRAMANIAM : Sir, the rules will be followed. I do not think there is any case for relaxing the rules.

* 191 *Q.*—Sri T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state whether any representation has been received from the teachers of aided secondary schools to permit them to contribute upto 2½ annas in the rupee to the Provident Fund Scheme, and, if so, the action taken thereon?

The Hon. Sri C. SUBRAMANIAM : A representation has been received to raise the rate of contribution to Teachers, Provident Fund by teachers and it is under examination.

Recruitment of technical personnel

* 192 *Q.*—Dr. A. SREENIVASAN : Will the Hon. the Minister for Electricity be pleased to state :—

(*a*) whether any rules have been framed for recruitment of
3.10 p.m. technical personnel to the State Electricity Board, and if so, to place a copy of the rules on the table of the House;

(*b*) the method of recruitment; and

(*c*) whether an adequate knowledge of Tamil is prescribed as a condition for recruitment?

The Hon. Sri V. RAMAIAH : (*a*) & (*b*) Service regulations of the Board are being finalised by the Madras State Electricity Board. Privision is being made in the draft regulations in regard to the mode of recruitment to the various posts in the service of the Board.

(*c*) Pending issue of regulations, the Board has ordered that proficiency in Tamil should be insisted on in the case of recruitment to posts. However candidates who do not possess adequate knowledge of Tamil are also considered, subject to the condition that they acquire such knowledge by passing the necessary test, etc., within the period of probation and subject also to the condition that condidates already possessing adequate knowledge of Tamil should be given preference.

Dr. A. SREENIVASAN : Is it a fact that there are more Tamilians than Tamilians in the Electricity Board from the time this Board was created? Can the Hon. Minister give any statistics on that point?

The Hon. Sri R. VENKATARAMAN : More Tamilians than Tamilians?

Dr. A. SREENIVASAN : I am sorry. I meant 'more non-Tamilians '?

The Hon. Sri V. RAMAIAH : I have no information.

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State Government Offices

* 193 *Q.*—Sri MOHAMED RAZA KHAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether there is any proposal to take over the buildings within the Fort St. George to house th eState Government offices; and

(*b*) if so, the stage at which the matter now stands?

The Hon. Sri C. SUBRAMANIAM : (*a*) There is no proposal to take over the buildings within the Fort St. George to house the State Government offices. There is, however, a proposal to acquire about 2½ acres of land on the eastern side of the King's Barracks' (north-western side of the Secretariat Buildings) and the buildings standing thereon for securing additional accommodation for the Secretariat.

(*b*) The matter is under correspondence with the Military Authorities.

Sri MOHAMED RAZA KHAN : May I know whether the Government will locate the new Legislative Council chamber there when they get these lands?

The Hon. Sri C. SUBRAMANIAM : It is an 'if' question. Let us get the lands first and we will consider the question.

Anglo-Indian Schools

* 194 *Q.*—Sri G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether the recommendations of the Pay Commission as accepted by the Government will also apply to Anglo-Indian schools in the State; and

(*b*) if so, whether any orders have been issued in this regard?

The Hon. Sri C. SUBRAMANIAM : (*a*) Yes, Sir.

(*b*) The matter is under consideration.

Subramanyaswami temple, Tiruchendur

* 195 *Q.*—Sri K. M. RAMASAMY GOUNDER (on behalf of Sri S. T. ADITYAN) : Will the Hon. the Minister for Home be pleased to state—

(*a*) whether it is a fact that a gold chain with different kinds of stones has been presented to the Deity of Tiruchendur Subramanyaswami temple, Tiruchendur, on the 8th day festival of Avani, 1960;

(*b*) whether the authorities concerned have refused or refrained from issuing a receipt for the same;

(c) whether the same has been brought into the accounts of the temple; and

(d) whether the Government have received any complaint in respect of this and, if so, the action taken or proposed to be taken thereon?

THE HON. SRI M. BHAKTAVATSALAM : (a) A gold chain with stone pendant was offered on the 8th day of Avani Festival in the year 1959 and not in Avani 1960.

(b) No, Sir.

(c) Yes, Sir.

(d) No, Sir.

Fire accidents

* 196 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Home be pleased to state the number of fire accidents caused by the firing of crackers during Deepavali, 1960, in the State?

THE HON. SRI M. BHAKTAVATSALAM : Fifty-one fire accidents occurred in the districts and in the city due to the firing of crackers on 18th, 19th and 20th October 1960 and were attended to by the Fire Service Department.

SRI T. P. SRINIVASAVARADAN : May I know how many were prosecuted for using the Atom Bomb crackers and how many were awarded punishment?

THE HON. SRI M. BHAKTAVATSALAM : There is no question of prosecution. 'Atom bombs' were banned, and these were accidents caused by the ordinary fireworks.

MR. CHAIRMAN : Questions are over.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—POINT OF ORDER.

SRI MOHAMED RAZA KHAN : Sir, on a point of order.

MR. CHAIRMAN : I know what the point of order is about. The hon. Member has told me about it. But we are not officially aware of anything that is going on in the other House particularly during the current session. Nothing can be said now with reference to what has happened there.

SRI MOHAMED RAZA KHAN : I shall state what I have to say. Let the Hon. Minister reply at his own convenience.

MR. CHAIRMAN : The hon. Member must know the parliamentary rules of procedure. I happened to read "May's Parliamentary Practice" even this morning.

III.—ANNOUNCEMENTS.

(1) MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN : I have received a message from the Deputy Speaker, Madras Legislative Assembly, transmitting a copy of the following Resolution as passed by the Assembly on 22nd March 1961, for the association of three Members of the Council with the Committee on Subordinate Legislation of the Assembly for the financial year 1961–62 :—

" That this House recommends to the Legislative Council that they do nominate three Members from the Council to associate with the Committee on Subordinate Legislation of this House for the financial year 1961–62 and communicate to this House the names of the Members so nominated."

(2) DECISION OF THE BUSINESS ADVISORY COMMITTEE.

MR. CHAIRMAN : At a meeting of the Business Advisory Committee, held at 2–30 p.m., today, the following further programme of business has been decidded—

27th March, 1961, 3 p.m.—Discussion on :

(i) Statement of Demands for Grants for Excess Expenditure in 1957–58.

(ii) Final Supplementary Statement of Expenditure for 1960-61.

28th March, 1961, 3 p.m.—Consideration of Appropriation Bills.

29th March 1961, 10-30 a.m.—Consideration of :

(1) The Madras Agricultural Income-Tax (Amendment) Bill, 1961 L.A. Bill No. 12 of 1961.

(2) The Madras General Sales Tax (Second Amendment) Bill, 1961 (L.A. Bill No. 15 of 1961.)

(3) The Madras (Added Territory) Extension of Laws Bill, 1961 (L.A. Bill No. 16 of 1961.)

(4) The Madras Irrigation Cess (Amendment) Bill, 1961 (L.A. Bill No. 17 of 1961.)

30th March 1961—No meeting.

31st March 1961—Holiday.

1st and 3rd April, 1961—Consideration of other official Bills that may be transmitted by the Assembly.

IV.—GOVERNMENT BUSINESS.

(1) STATEMENT OF DEMANDS FOR GRANTS FOR EXCESS EXPENDITURE IN 1957–58.

THE HON. SRI R. VENKATARAMAN : Sir, I rise to present the statement of Demands for Grants for excess expenditure in the year 1957–58. The appropriations originally provided for in the Budget Estimates cannot in the nature of things be expected to tally entirely with the actuals, and excesses under some grants are inevitable. The total of the excesses of expenditure under voted grants which is now sought to be covered by legislative approval is Rs. 107 lakhs roundly against a total final appropriation of Rs. 16,027 lakhs. The Explanatory note and the annexure appended to the statement of demands give in full the reasons for the excess in each case. The Public Accounts Committee constituted for the year 1959–60 at their meeting held during the course of the year examined the reasons for the excesses and have recommended in their Report published in August 1960 that demands for grants to cover the excess expenditure over the final sanctioned appropriation under each grant might be presented to the Legislative Assembly.

I commend for the acceptance of the House the statement of Demands for Grants for excess expenditure in the year 1957–58.

(2) FINAL SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR 1960–61.

THE HON. SRI R. VENKATARAMAN : Sir, I rise to present the Final Supplementary Estimates for the year 1960–61. The Supplementary demand before the House is for Rs. 24·69 crores out of which Rs. 11·02 crores is on the Revenue Account, Rs. 8·43 crores is on the Capital Account and the balance of Rs. 5·24 crores under " Loans and Advances ".

The Revised Estimates for 1960–61 have been presented to the House along with the Budget for 1961–62. The Final Supplementaries have been drawn up on the basis of the actual requirements for the year under various heads which closely follow the Revised Estimates for 1960–61.

A study of the detailed explanatory statement placed before the House will show that the demands for further expenditure are mainly under development heads.

Revenue Account.

The appropriation of Rs. 1·15 crores under Education reflects larger requirements under Teaching Grants (Rs. 47 lakhs), under the Mid-day Meals Scheme (Rs. 6 lakhs) and for the expansion of N.C.C. (Rs. 12 lakhs).

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A sum of Rs. one crore has been asked for under "Harijan Welfare" where ther has been a substantial step up in expenditure in the current year. Out of this Rs. 24 lakhs are required for Houses and House-sites and Rs. 36 lakhs for the Scholarship Programme.

An item of special interest is the demand for an additional sum of Rs. 80 lakhs under Local Development Works in which the outlay in the current year is expected to reach Rs. one crore exclusive of the contribution in kind and labour from the public of Rs. 13 lakhs approximately. As hon. Members are aware, the programme now extends to Rural Water-Supply Works, Road Works, and the construction of Village School Buildings.

Apart from "Suspense" heads, the main item of additional expenditure in "Civil Works" is the additional provision of Rs. 50 lakhs for maintenance and repairs. This includes Rs. 15 lakhs for flood repairs, Rs. 5 lakhs for the Roads in Tiruttani area and Rs. 25 lakhs for the improvement of important bus routes and other rural roads in order that they may be handed over to Panchayat Unions in good condition.

While presenting the last Supplementary Estimates, I had referred to the provisions made for the implementation of the new Panchayat Reform. An important provision in this regard is the demand in the present Supplementaries of Rs. 36 lakhs as grants to Village Panchayats to match the house tax levied by them. Largely on account of this matching provision in the new Panchayats Act, the total house tax levied by Panchayats in the State has nearly doubled from Rs. 20 lakhs to Rs. 36 lakhs in the current year. I am sure that this encouraging trend will be welcomed by all sections of the House.

An additional transfer of Rs. 27 lakhs to Local Bodies has been provided for under "Entertainments Tax" in accordance with the increased receipts under this head.

The other significant provisions made for development expenditure in the Revenue Account are : Rs. 17 lakhs for more intensive exploitation of Forest produce which is reflected in higher receipts under "Forests" of Rs. 54 lakhs, Rs. 49 lakhs under "Medical" mainly under diet, drugs and hospital equipment consequent on increase in bed strength, Rs. 61 lakhs under "Public Health" mainly for the National Malaria Eradication Programme, Rs. 29 lakhs under "Agriculture" for the intensification of plant protection measures, Rs. 23 lakhs under "Co-operation" and Rs. 10 lakhs under "Animal Husbandry".

Capital Account.

Apart from the gross appropriation under "Suspense" heads which are entirely wiped off by credits, the significant additional provisions in the Capital Account are : Rs. 63 lakhs for the Special 3-20 p.m.

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Minor Irrigation Programme, Rs. 32 lakhs for the Rural Water-supply and Rs. 16 lakhs for National Water-Supply Schemes and Rs. 17 lakhs for Road Works in the backward areas of Ramanathapuram District. Under State Trading Schemes, an extra provision of Rs. 86 lakhs has been made for meeting arrears due to the Government of India towards supply of chemical fertilisers.

Loans and Advances.

The main complaint of the demand under "Loans and Advances" is the additional loan of Rs. 259 lakhs to the State Electricity Board. The original loan requirement for the Board was fixed on the basis of a Capital Outlay of Rs. 12 crores in 1960–61 to be met partly by the Board floating an open market loan of Rs. 3·3 crores. The Capital Outlay on Power is now anticipated to reach Rs. 14 crores in the current year and the Board has not been able to go in for open market borrowing. As a result of these factors, an additional sum of Rs. 259 lakhs to the Electricity Board has become necessary. The demand also includes Rs. 11 lakhs more for the Middle Income Housing Scheme, Rs. 10 lakhs more for the Low Income Housing Scheme and Rs. 11 lakhs more for Weavers' Housing and Industrial Housing Schemes. A Ways and Means advance of Rs. 75 lakhs to the State Khadi Board has been provided. This will be recouped at the end of the current year.

Sir, I have very briefly summarised the important provisions in the Final Supplementary Statement for the current year which reflect the increase in the tempo of expenditure on Plan Schemes. Budgetary control over expenditure is only a device to see that moneys are spent on the right priorities approved by the Legislature and in an economical way. The additional appropriations before the House satisfy these cardinal tests and I am sure the House will therefore welcome and approve them.

With these few words, Sir, I commend the Third Supplementary Estimates for the acceptance of the House.

V.—GOVERNMENT BILLS.

(1) THE MADRAS VILLAGE COURTS (AMENDMENT) BILL, 1961 (L.C. BILL NO. 2 OF 1961).

• THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I move—

'That the Madras Village Courts (Amendment) Bill,[a] 1961 (L.C. Bill No. 2 of 1961) betaken into consideration'.

Sir, according to section 13 of the Madras Village Courts Act, 1888 (Madras Act I of 1889), village courts can entertain suits up to the value of Rs. 50 only but under section 14 of the Act they

[a] Published in the *Fort St. George Gazette* Extraordinary, dated 8th March 1961.

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can entertain suits up to the value of Rs. 200 with the consent of the parties. It has been suggested that the pecuniary jurisdiction of village courts may be enhanced. The Government have examined the above suggestion and they consider that the pecuniary jurisdiction of the village courts in civil suits should be increased from Rs. 50 to Rs. 200 in all cases irrespective of the question of consent of parties. Therefore it is proposed to amend the Act suitably for this purpose.

Consequent on the introduction of the metric system of weights and measures, it is proposed to make consequential amendment in section 40 of the Act.

It is also proposed to extend the Madras Village Courts Act, 1888 (Madras Act I of 1889) to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district with certain consequential amendments and also to repeal the corresponding laws in force in the said territory.

I request the House to accept the motion.

MR. CHAIRMAN : Motion moved—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961) be taken into consideration.'

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, the Madras Village Courts Act was passed in the year 1888. It has been there for such a long time. Originally the jurisdiction of suits before these courts was Rs. 20. In 1919 it was increased to Rs. 50 and then in the year 1951, I think it was increased to Rs. 100. Now the Government propose to increase it to Rs. 200. I would only like to know whether the Government are satisfied with the working of these courts, in the matter of hearing of suits, in keeping a judicial temper and all that. I want to know whether on the whole the working of these courts is satisfactory according to the Government, because originally we began only with Rs. 20 and then said that with written consent of the parties we might increase the jurisdiction to Rs. 200. If both the parties have confidence in the village court they can do it. This is easily understandable. But now this written consent provision is to be replaced and the jurisdiction is to be raised to Rs. 200 in all cases. Therefore it is very relevant for our purpose to know whether on the whole the Government are satisfied, according to information and the reports received by them, with the working of these village courts, that they are impartial and all that. We all know very well in villages there are these factions and there are very many difficulties and we must have impartial enquiries even in respect of small cases. Therefore, if the Government are satisfied and if they think that is all right I have no objection to this amendment. Once there is a written consent, both the parties are satisfied. It is a matter for them to decide. It may be all right.

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But without the written consent now it is to be raised to Rs. 200. Originally it was Rs. 20. In 1919 it was raised to Rs. 50. Again in 1951 it was raised to Rs. 100. (The Hon. Sri M. Bhaktavatsalam : Rs. 150). Now it is raised to Rs. 200 even without the consent of the parties. Therefore I would like to have a general statement from the Hon. the Mover of the Bill about the view of the Government on this particular matter. That is my first point.

Then, the second point is this. The Village Courts Act and the Panchayat Act have been working at cross purposes. The Panchayat Act of 1950 by section 132 abolished all these things. By the Panchayat Act, 1958 we have abolished the panchayat courts and given the jurisdiction to the village courts. The original Village Courts Act in section 8 said that the Collector shall have the power to remove. Therefore if that Act as such is to be extended, the Collector shall have the power of removal on the requisition of the District Judge. Now the Government want to add another section, section 8-A. The original section 8 reads thus :

'The Collector of the District may suspend or remove the Village Munsif or a member of th ePanchayat Court for incapacity, neglect of duty, misconnduct or other just and sufficient cause, and shall do so on a requisition passed by the District Judge for like cause in the judicial proceedings of a village court.

From every order of suspension or removal an appeal may be made within three months to the Board of Revenue if the order was passed by the Collector without orders from the District Judge to the High Court if passed upon such orders. The decision of the Board of Revenue or the High Court as the case may be on all such appeals shall be final.'

Now, by this Amending Bill the Government want to add section 8-A and in this new section it is said that the State Government may suspend. There the Collector has the power. Then the words 'President' and 'Judge' are put in here. In section 8 of the original Act the Collector can suspend or remove the 'village munsif or a member'. The original section 8 is to be extended and shall be in force in the transferred territory. But the new section 8-A reads :

'The State Government may suspend or remove the President or other Judge of a Village Panchayat Court appointed under the Travancore Village Panchayat Courts Act, 1090 (Travancore Act 1 of 1090), and continuing as President or member of the Panchayat Court after the date of the commencement of the Madras Village Courts (Amendment) Act, 1961, for incapability, neglect of duty, misconduct or other just and sufficient cause, and shall do so, on a requisition made by the High Court, for like cause appearing in the judicial proceedings of the Panchayat Court concerned '.

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The original section 8 is there so far as the transferred territory is concerned. I do not know how the proposed section 8-A will work. That is the doubt I have. In section 8, the Collector is given the power to remove the Village Munsif or a member of the Panchayat Court. In the proposed section 8-A, the State Government have the powers to remove the President or other Judge of a Village Panchayat Court. The proposed section 8-A says, ' The State Government may suspend or remove the President . . . . . and shall do so, in a requisition made by the High Court, for like cause appearing in the judicial proceedings of the Panchayat Court concerned '. These two things are quite inconsistent. That is the difficulty I felt so far as the proposed section 8 A is concerned. 3-20 p.m.

The Government want to repeal the Travancore Village Panchayat Courts Act, 1090 (Travancore Act 1 of 1090) and the Travancore-Cochin Village Courts Act, 1953 (Travancore-Cochin Act VII of 1954). Both these Acts are now sought to be repealed and the Madras Village Courts Act extended to the Travancore territory. If this is so, section 8 in the Act will also be there. That is the difficulty that I feel. Section 8 says that the Collector of the District may remove a member of the Panchayat Court. Let us forget the Village Munsif now. The removal of a member of the panchayat shall be made on the requisition of the District Judge. A right of appeal against the removal is also provided in section 8. The proposed section 8-A says that the suspension or the removal of a judge of a Village Panchayat Court shall be made by the Government on a requisition made by the High Court. No mention is made about the right of appeal. This is not clear. The other things are all right. The Government want the Madras Act to be extended to the transferred territory. But how this proposed section 8-A comes in, I am not able to see.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, about the proposal to raise the pecuniary jurisdiction of the village courts from Rs. 50 to Rs. 200, for trying cases without the need for consent of parties, the Board has made a study of it, and has made this proposal which has been accepted by the Government. This is generally in the interests of the parties themselves. Further I may tell the House that there has been a proposal to have a study team to go into the question throughout the whole of India of the working of the Village Courts and Panchayat Courts. As has been pointed out by the hon. Member the provision in the Panchayats Act regarding judicial jurisdiction has been removed. Therefore, Sir, this proposal has been brought forward, and it is now brought in as an amendment to the Village Courts Act. As regards the proposed section 8-A, the idea behind it is to amend the Act so that there may be the same pattern of judicial procedure so far as Travancore is concerned. But at the same time we are not taking away all that exists in the Acts to be repealed.

In view of the existing state of affairs in Travancore, this section 8-A is inserted as a new provision. It will apply to the transferred area and it will be a temporary measure.

SRI K. BALASUBRAMANYA AYYAR : The Government are applying the Village Courts Act to that area.

* THE HON. SRI M. BHAKTAVATSALAM : What will apply is the proposed section 8-A. It will apply to Kanyakumari and Shencottah.

MR. CHAIRMAN : The question is—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961), be taken into consideration'.

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 9 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I move—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 2 of 1961), be passed'.

MR. CHAIRMAN : The question is—

'That the Madras Village Courts (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be passed'.

The motion was put and carried and the Bill was passed.

(2) THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (AMENDMENT) BILL, 1961 (L.C. BILL NO. 3 OF 1961).

* THE HON. SRI M. BHAKTAVATSALAM : Sir, I move—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill *, 1961 (L.C. Bill No. 3 of 1961), be taken into consideration'.

Sir, section 9 (2) (*a*) and (*b*) of the Madras Hindu Religious and Charitable Endowments Act, 1959, prescribed the method of recruitment to the post of Commissioner and Deputy Commissioners. This section as it stands does not permit the appointment of Deputy Commissioners to the post of Commissioner by promotion and, likewise, the appointment of Assistant Commissioner to the posts of Deputy Commissioners. In any service, while prescribing methods of appointments, appointment by promotion is also generally provided for and the absence of such a provision in the present Hindu Religious and Charitable Endowments Act has denied the prospects of promotion to the Assistant Commissioners and Deputy Commissioners. This will make them lose their enthusiasm and incentive to work and consequently will affect the interest of the

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department. It is therefore considered necessary that the Act should be amended so as to make Deputy Commissioners and Assistant Commissioners eligible to be appointed by promotion as Commissioner and Deputy Commissioners respectively. I may point out, Sir, that in the rules framed under the previous Act there was this provision, but by some mistake or oversight, the present Act has excluded promotion. It is also considered necessary that the field of recruitment to the posts of Commissioner and Deputy Commissioners should be made wider by making members of the Madras State Judicial Service also eligible for appointment to the post of Commissioner and by making appointment to the posts of Deputy Commissioners by agreement or on contract basis. This will enable the Government to select suitable persons to fill the posts of Commissioner and Deputy Commissioners. Clause 2 of the Bill seeks to achieve the objects in view.

Sir, I have briefly indicated the main purposes of this legislation. I commend the motion for the acceptance of the House.

MR. CHAIRMAN : Motion moved—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be taken into consideration'.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, as far as the promotion of a Deputy Commissioner as the Commissioner is concerned, the Government should think twice before having a provision like this. The Hon. the Mover of the Bill will remember that at the select committee stage of the Hindu Religious and Charitable Endowments Bill, it was seriously mentioned by my Hon. Colleague Sri P. T. Rajan that there must be a judicial officer. He even went to the extent of saying that the judicial proceedings should be separate from the administrative proceedings. But we did not accept his suggestion, and the Act has now to be amended. The Hon. the Mover of the Bill then assured us that the Commissioner would be a judicial officer, that he would be entrusted with the hearing of suits, and if there were many suits and many applications and decisions had to be arrived at in many cases, then the Commissioner would have one Deputy Commissioner, a judicial officer. This is what was understood at that time. If there is a Deputy Commissioner, and if he is entrusted with the duty of hearing suits and so on, it is better that we should not have this promotion to be made from the Deputy Commissioner. That will be a wholesome provision. He will not be thinking of any promotion from the post of Deputy Commissioner to the post of Commissioner. It will be good especially when he is a judicial officer. Of course, the Government did not accept our original proposal and it is no use talking about it now. In so far as this person is entrusted with the duty of hearing applications, suits, etc., which is a judicial function, it is better that he does not have any idea of being promoted as Commissioner because that will give him that kind of independence which he will not have otherwise. Of course,

3-40 p.m.

as originally suggested by us, if the Commissioner himself is a judge, that is a different matter. The Hon. Mover explained his difficulty in accepting that suggestion. But this provision of promoting a Deputy Commissioner as Commissioner will not ensure independence of judgment on the part of the Deputy Commissioner.

SRI P. T. RAJAN : An administrative officer may be promoted, not a judicial officer.

SRI K. BALASUBRAMANYA AYYAR : The Deputy Commissioner is a judicial officer.

SRI P. T. RAJAN : Only one of the Deputy Commissioners.

SRI K. BALASUBRAMANYA AYYAR : What I say is, the Government are seeking to amend the existing provision. It need not be done. Even the present provision of having a judicial officer as Deputy Commissioner was decided upon by the Hon. Mover after very carefully considering our suggestions. The only point is, he was not in favour of bifurcation. Let the Government appoint the Deputy Commissioner as Commissioner on a contract basis. Otherwise, he would always be feeling that he is subordinate to the Commissioner. We have heard it said even in the case of High Court and Supreme Court Judges that there should be no chances of promotion for them. Well, that is a general statement we have heard. That is a wholesome principle. About the other matter, the Government can have even direct recruitment. But personally, I would very much favour a man who has got administrative experience either as Assistant Commissioner or otherwise. A direct recruit does not know the working of the schemes, the details of schemes. He may enter upon his duties either with good notions or other notions. But if a man with experience is appointed, it will be very good, because he will have thorough experience of the administrative work involved in Hindu religious endowments and temples.

THE HON. SRI M. BHAKTAVATSALAM : That can be only by promotion.

SRI K. BALASUBRAMANYA AYYAR : I made it clear that it could be so far as the Assistant Commissioner was concerned.

SRI P. T. RAJAN : Why should you deprive the Deputy Commissioner of the benefit?

SRI K. BALASUBRAMANYA AYYAR : He must be an administrative man.

* SRI P. T. RAJAN : Mr. Chairman, with all due respect to my Friend, let me say this. When my Friend suggested that there should be an Additional Commissioner who must be a judicial officer, having nothing to do with administrative work, the Hon. Minister said that he would not accept the suggestion. Now, the

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proposal of the Hon. Minister is to promote the Deputy Commissioner, whether he be an administrative officer or a judicial officer, to be Commissioner. We should not stand in the way. What I would urge on the other hand is the appointment of an Additional Commissioner who will be independent of the Commissioner himself, so far as the judicial functions of the Board are concerned.

Sri MOHAMED RAZA KHAN : Sir, after two eminent authorities on the question have spoken, I am in a difficult position to speak. But my line of argument is different. I was very sorry to hear the Hon. Minister's arguments when he moved that the Bill be taken into consideration. It is an unfortunate phenomenon in our State that once a Bill is passed and becomes law, within six months thereof another amending Bill is brought forward without any reason or logic behind. Whatever the arguments of the Hon. Members against such amending Bills, the House must accept the Bills. That is the position in which we find ourselves today. I was listening to the statement of the Hon. Minister and I am not convinced by it. When they drafted the original Bill, the Government had plenty of time to come to a decision as to what should be the procedure for appointments. It is surprising that the anomaly that they talk of now did not occur to them then, i.e., lack of provision for promotion of Deputy Commissioner as Commissioner. How is it that after one year of the passing of the original Act, this necessity has arisen? The Hon. Minister must take the House into confidence in this matter.

Sri P. T. RAJAN : There is a vacancy now.

Sri MOHAMED RAZA KHAN : I am coming to that now. The Hon. Minister stated that the enthusiasm of the Assistant and Deputy Commissioners would be lost if there were no prospects for their promotion. The Hon. Minister could have thought about all this at that time itself and made suitable provision in the parent Act. When we say that appointment should be by direct recruitment, we take that decision for valid reasons. My Friend, Mr. Rajan, has rightly interrupted me by saying that the present Commission i sretiring. I think he is retiring this month or next month. I do not know how many Deputy Commissioners are there. We do not have all these details and yet we are asked to pass the Bill. Obviously there was a lacuna in the parent Act. How is it that the Department when they advised the Government forgot about this?

Then, Sir, there was one other argument. Usually, when a comprehensive Bill is brought forward, it is stated, in defence of certain provisions, that they were in the original Act and that they have been simply copied in the new Bill. It is one of our conventions, if I may say so, to incorporate most of the old provisions in the new Bill. The Government used to defend them saying there is nothing wrong in incorporating the old provisions in the new Act. Here it is stated, this provision was in the old Act and

that by oversight it was not incorporated in the parent Act now in force. I do not know how such an important thing was lost sight of. The Minister says he is now rectifying it.

* THE HON. SRI M. BHAKTAVATSALAM : In my opinion, it was oversight, not because the hon. Member calls it oversight. This question was not specifically discussed at all by the Joint Select Committee. It was neither raised nor discussed. There was nothing before the Committee even to suggest that there was no provision for promotion. This is what I meant when I said it was lost sight of.

SRI MOHAMED RAZA KHAN : I submit, Sir, that the Hon. 3-50 p.m. Minister's intervention has not strengthened his argument. He said in introducing this measure that the matter was left out by oversight. When the Government bring in an important legislation like this, consolidating all the old legislations in the matter they take advantage of it and make all necessary and suitable amendments in the consolidated legislation. In the old Act there was the provision for the promotion of the Deputy Commissioner as Commissioner. And the Hon. Minister says that this was lost sight of. I do not understand how such an important thing as this could be lost sight of. It is only six months since we passed that legislation. When we bring in any amendments we must convince the public and the Hon. Minister should convince us. It is no use saying that this is a small Bill and therefore it can get through. I hope at least in future such things would be avoided particularly when the original legislation had gone through a Joint Select Committee consisting of eminent men. I submit that this question ought to have been thought of then. And for good reasons they might have said such a provision was unnecessary. Now the Government think that such a provision is necessary. Therefore I oppose the Bill, Sir.

* SRI M. SESHACHARIAR : Mr. Chairman, Sir, I would like to say only a word about the amending Bill. The contention appears to be that if there is a mistake in the Bill which is found later on, it should not be rectified. Probably they might not have been vigilant at that time or they might have somehow forgotten it then. The other contention is that promotion should not be made or some such thing. I may point out that the Deputy Commissioner will be promoted only if he is eligible, if he has judicial experience and if he is entitled to such promotion. If he is a judicial officer and deserves to be promoted there should be such a provision as is now sought to be introduced by the amendment. If he has no judicial experience he may not be promoted at all. The idea of the Government appears to be that the Deputy Commissioner who happens to have judicial experience, has no chance of promotion under the existing provision. Therefore they want the provision to be amended. Suppose there is a person with judicial experience appointed as Deputy Commissioner, and he is in the run

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for promotion to the post of Commissioner. There is no provision in the existing Act for promoting him as Commissioner. This has therefore got to be rectified.

*DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, I am afraid there is no necessity for such an amendment in view of the provision already existing. The only thing is the existing provision should be intelligently used. The position is that appointment to the post of the Commissioner shall be by transfer from among the members of the Madras State Higher Judicial Service or the Madras State Judicial Service or any other service or direct recruitment. You know there are other agencies, like the University where direct recruitment is the rule whether it be for lecturers or readers or anybody else. All we do is to allow all these people also to apply, and that removes the possibility of patronage in the hands of the person concerned. Therefore there is no reason why the Deputy Commissioner should not be an applicant for direct recruitment. After all the Government are the ultimate authority to make the appointment and we are not going to fetter their hands in the choice. Why should not the Government give them that opportunity?

The real objection, which I can see from Sri K. Balasubramanya Ayyar and Sri Raza Khan, is to this principle of promotion which implies that a certain amount of discretion or patronage may be there. (Interruption). The normal course is by direct recruitment by appointing a small committee. The people in the lower rungs have always the opportunity to apply. Nobody can be promoted. For instance in the University, as you, Sir, are doubtless aware, for such appointments there is a well thought out plan. If therefore the Deputy Commissioner also applies when there is a vacancy in the post of the Commissioner there is nothing to prevent the Government to refer the cases to a small committee and then select the best man they can think of. But if you are going to give a *carte blanche* to the Government to promote any Deputy Commissioner, no reasons may be assigned. I think it is not a very good provision—particularly without having had the experience of the working of the Act—to introduce within so short a time. Sir, I know the great discussion that took place in Ootacamund and I feel that this is not a justifiable step. I can have hardly anything against any person that might be considered fit for appointment. My submission is, let him apply according to the existing provisions of the Act, and he can be considered as a direct recruit. This will be much safer for him.

Sri P. T. Rajan rose.

MR. CHAIRMAN : I am sorry, the hon. Member cannot speak for a second time.

*THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, about amendments to legislations, we are having a number of amendments whenever we feel the need for them. We are not

omnipotent and we sometimes do commit mistakes in spite of all our experience and capacity. Not only the Ministers and the Government but also the Members do commit errors of commission or omission and that is how so many amendments to legislation do come up before the House. The House considers them and accepts many of those amendments. Just a little while ago, I brought forward an amendment to another Act. It is no doubt an old Act, the Village Courts Act. Next week I shall be bringing forward another amendment to the Wakf Act.

SRI MOHAMED RAZA KHAN : I know that.

* THE HON. SRI M. BHAKTAVATSALAM : That Act was passed only recently. That was passed in Parliament also. The members of Parliament bestowed best consideration on that legislation. There was recently a conference, an All India Conference which was attended by many eminent Moulvis. They pointed out a difficulty. Therefore I am bringing forward an amendment to that legislation. We in the Government are not omniscient. We may not foresee all these requirements.

Sir, I am not able to understand the difficulty of the hon. Member Sri K. Balasubramanya Ayyar nor the fear of the hon. the Leader of the Opposition. We had discussed the need for having a judicial officer in the Endowments Board. Originally a suggestion was made before the Joint Select Committee that judicial work may be separated from the administrative work. I said then that it was against the very pattern of administration that had been accepted, and therefore it would not be accepted. Even before the Joint Select Committee accepted the suggestion I myself was seriously thinking about having the Judicial Officer. I was not quite satisfied with the judicial disposal of the cases. Therefore I wanted that there should be one judicial officer. Therefore the Government had asked the High Court to suggest some name and the High Court sent a panel of judicial officers. This was forwarded to the Public Service Commission and finally we had a judicial officer as the Deputy Commissioner. This was long before the Joint Select Committee accepted the suggestion to have a judicial officer.

Now, in the present Act there is this provision. Either the Deputy Commissioner or the Commissioner, at least one of them should be a judicial officer. If the Commissioner happens to be a judicial officer, there is no need that the Deputy Commissioner should be a judicial officer. But there is no bar to the Government having more judicial officers than one. It is obligatory on the part of the Government to have one judicial officer. He may be either the Commissioner or the Deputy Commissioner. If the Deputy Commissioner is a judicial officer, the Commissioner need not be a judicial officer. If the Commissioner is a judicial officer the Deputy Commissioner need not be a judicial officer.

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A non-judicial Deputy Commissioner can take the place of the Commissioner, if one of the Deputy Commissioners is a judicial officer. I will come to the question of promotion later on. A non-judicial Deputy Commissioner can take the place of a Commissioner. The principle that there must be one judicial officer is not affected. It may be a Deputy Commissioner or Commissioner. Then again take the case of the Assistant Commissioners. (Interruption). The hon. Member Sri Balasubramanya Ayyar has answered the point raised by him. When we appoint a person as the Commissioner, it is not merely a question of picking out a person. He must have the aptitude, experience and all that. Therefore the hon. Member will realise and admit that it is more advantageous to have one who has had some experience regarding the functions of the Commissioner and the Deputy Commissioner. Now, if there is a Deputy Commissioner who is serving, who is qualified, and who is fit to serve as Commissioner, there is no obligation on our part to have a judicial officer as Commissioner. If there is a Deputy Commissioner who has served well, is qualified for it, and has got all the experience and is fit and suitable to be appointed as Commissioner, what is wrong in appointing him, as the Commissioner, is the question. Before this Act was passed, there was a temporary vacancy in the post of the Deputy Commissioner. One of the Senior Assistant Commissioners was appointed as the Deputy Commissioner. He servied for some months, and he has been reverted and is now working only as Assistant Commissioner. Sometimes we have to fil up the posts temporarily. Suppose the Commissioner takes leave for two months. What should I do? Should I advertise the post? (Dr. A. Lakshmanaswami Mudaliar : One could be put in charge). I thought it could be done. But our Law Department was of the view that under the provisions of the Act, it could not be done, even on a temporary basis. Today if a Deputy Commissioner goes on leave, and he wants to be urgently relieved, I cannot appoint an Assistant Commissioner as Deputy Commissioner even temporarily. That is the advice that I got from the Law Department. Similarly if the Commissioner suddenly takes leave, leave alone the question of filling it up permanently—I cannot appoint a Deputy Commissioner to that post even for a period of one month or two months. The advice given to me was that unless the Act was amended, even for a few days I could not appoint any one as the higher officer. That is the difficulty which we have been feeling. I am really surprised that the hon. the Leader of the Opposition should have taken up this attitude and tendered this advice to the Government about promotions. According to him promotions are totally bad and nobody should have any promotion. For instance, a District Munsif should not be promoted as a Subordinate Judge.

Dr. A. LAKSHMANASWAMI MUDALIAR : Let us confine ourselves to the provisions in the Amending Bill, and let us not go over the entire range between the Himalayas and Cape Comorin.

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*THE HON. SRI M. BHAKTAVATSALAM: One department is as good or as bad as another department. We have so many administrative authorities, and people are looking up to promotions. A man who has served well expects to be promoted. Now according to the suggestion given, he must stand in the queue and apply for the post to be filled up by direct recruitment, and a committee should be appointed for the purpose. I do not think that this is accepted anywhere as the correct procedure. Even taking this department, I may assure the hon. the Leader of the Opposition that there is no question of exercising patronage and there is no opportunity for it either. We do not take opportunities or seek opportunities to exercise any patronage. Even where it is not a question of exercising patronage, if the hon. the Leader of the Opposition thinks that we are exercising it, we say that we are not interested in exercising patronage. I just mentioned that the High Court sent a penal. We sent it to the Services Commission. We simply acceptedd them. I was thinking whether we could not have some other person. But the Services Commission indicated the priority. We simply accepted the priority, and we accordingly selected the officer. Event with regard to promotion, I may assure the Leader of the Opposition that we do consult the Services Commission and we are generally guided by them. So far as I am concerned, I am very particular that I always accept the views of the Commission. I do not rule out the recommendations of the Commission. Therefore I do not think that there should be any serious objection to this amendment. There is no question of having anybody in view for filling up the permanent vacancy. If that were so, it could be done even without this Amending Bill. (Sri Mohamed Raza Khan: How?) By transfer. The Government can transfer one from the Engineering Department. An Executive Engineer can be transferred as the Commissioner. The Act enables the Government to do so. The Government may transfer a professor in a college as the Commissioner. A lecturer in the Presidency College can be promoted as Commissioner under the terms of the Act. But that is not the idea. Further I want hon. Members to appreciate that after all officers serving well and faithfully and efficiently should not be debarred from promotions. It is a different question whether we are going to appoint them or not. They should not be made to feel that there is no more prospect of promotion at all. Faithful, honest, and efficient officers should not be made to feel that there is no more prospect at all of promotions for them. They must have this avenue open to them. It is another thing whether we appoint them or not. But the question is, how we do it—by promotion or by direct recruitment. The idea is that there should be provision for all contingencies. Once again I may assure the hon. the Leader of the Opposition and hon. Members that we are not interested in exercising patronage. We are interested in the proper administration of these institutions. Therefore, Sir, I hope that this Amending Bill will be accepted by the House

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MR. CHAIRMAN : The question is—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be taken into consideration'.

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. BHAKTAVATSALAM : Sir, I move—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be passed'.

MR. CHAIRMAN Motion moved—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be passed'.

SRI K. BALASUBRAMANYA AYYAR : Sir, I do not see eye to eye with what Sri P. T. Rajan said about the judicial officer. A judicial officer, who is a Deputy Commissioner, should not always be thinking of promotion to the position of Commissioner. I think this is a safe principle. So far as promotions from among administrative officers is concerned, it is all right. That is the point.

*THE HON. SRI M. BHAKTAVATSALAM : Sir, I may at once disabuse this idea from the mind of the hon. Member. So far as judicial officers are concerned, there is no need for promotion and there is no question of promotion. If there is a judicial officer, who is a Deputy Commissioner, it will not be by promotion.

MR. CHAIRMAN : The question is—

'That the Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1961 (L.C. Bill No. 3 of 1961), be passed'.

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Monday, the 27th March 1961.

The House then adjourned.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

245. *Review on 'Labour in Madras State in* 1960–61'.

246. *Review on the Nationalized Transport in Madras State,* 1960–61.

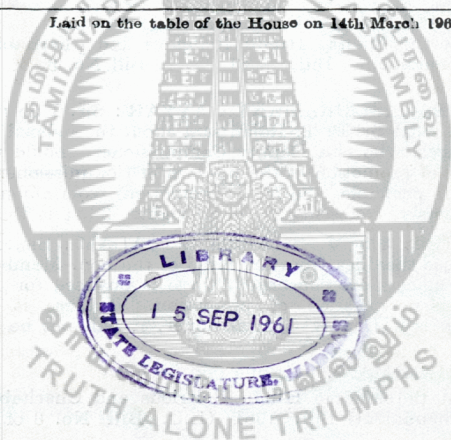
247. *Notification issued with G.O. Ms. No.* 450, *Home, dated 4th January* 1961, *directing the collection of quarterly tax in respect of the luxury coach bearing registration No. MDU* 7463 *belonging to the Kodaikanal Motor Union (Private), Limited, Madurai, at the rate of Rs.* 10 *per seat provided in the vehicle.*

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248. *Notification issued with G.O. Ms. No.* 213, *Revenue, dated* 12*th January* 1961 *appointing* 9*th February* 1961 *as the date on which the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act,* 1948 (*Madras Act XXVI of* 1948), *other than sections* 1, 2, 4, 5, 7, 8, 58-*A*, 62, 67 *and* 68, *shall come into force in the Mariyur Ukkadai inam estate in Arantangi taluk, Thanjavur district.*

249. *Notification issued with G.O. Ms. No.* 5288, *Revenue, dated* 23*rd December* 1960 *appointing* 19*th January* 1961 *as the date on which the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act,* 1948 (*Madras Act XXVI of* 1948), *other than sections* 1, 2, 4, 5, 7, 8, 58-*A*, 62, 67 *and* 68, *shall come into force in the Vannikkudi inam estate, Sivaganga (Manamadurai Z. A. taluk), Ramanathapuram district.*

Laid on the table of the House on 14th March 1961.


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